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Office of the City Clerk

A City We Can All Believe In

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**VIA EMAIL TO: [82702-96706714@requests.muckrock.com](mailto:82702-96706714@requests.muckrock.com)**  
Lucy Parsons Labs

**RE: OPRA Request- PD-19-1181**

Ms. Labs:

The Office of the Clerk of the City of Newark has received your request pursuant to New Jersey's Open Public Records Act ("OPRA") which sought search warrants and a variety of documents related to or stemming from applications for search warrants. Please be advised that search warrants and accompanying documentation are **court records**, not government records accessible under OPRA. According to New Jersey Court Rule 1:38-2, a Court Record is:

- (1) Any information maintained by a court in any form in connection with a case or judicial proceeding, including but not limited to pleadings, motions, briefs, and their respective attachments, evidentiary exhibits, indices, calendars, dockets, and aggregate data maintained or created by the judiciary for purposes of statistics. R. 1:38-2(a)(1).

New Jersey Court Rule 1:38-3 specifically names search warrants as court records: "The following Court Records are exempt from public access: (10) Search warrants pursuant to Rule 3:5-4 and the affidavit or testimony on which a warrant is based, except as provided in Rules 3:5-6(c) and 3:13-3." R. 1:38-3(10). Additionally, a search warrant is the written expression that a judge believes that there is probable cause allowing police to search a residence or building. It

is signed by a judge after a review of either police testimony or that of confidential informants. Thus, it is produced by a judge as a part of a judicial proceeding.

Search warrants and other court records are not accessible under OPRA. "The GRC does not have jurisdiction over the Judicial or legislative branches of Government or any agency, officer, or employee of those branches." N.J.S.A. 47:1A-7(g); Tomkins v. City of Newark Mun. Court, GRC 2013-159 (2013); DeMeco v. Bergen Cnty. Superior Court, GRC 2017-101 (2017).

To be clear, the Office of the Clerk takes no position on whether the search warrant affidavits and accompanying information are privileged under the New Jersey Court Rules. The position of the Office of the Clerk is merely that you have requested court records, which are in the custody of courts. As such, if you still seek those court records, please direct your request to either the Newark Municipal Court or the Essex County Superior Court.

Very Truly Yours,  
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s/ Samora F. Noguera  
Samora F. Noguera